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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

JANE ROE, an individual; MARY ROE,
an individual; SUSAN ROE, an
individual; JOHN ROE, an individual;
BARBARA ROE, an individual;
PHOENIX HOTEL SF, LLC, a
California limited liability company;
FUNKY FUN, LLC, a California limited
liability company; and 2930 EL
CAMINO, LLC, a California limited
liability company,

Plaintiffs,

v.

CITY AND COUNTY OF SAN
FRANCISCO, a California public entity,

Defendants.

Case No. 3:24-cv-01562-DMR

**PLAINTIFFS' ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
CASES SHOULD BE RELATED**

Date Filed: 03/14/2024
Trial Date: Unassigned

PLEASE TAKE NOTICE that, pursuant to Civil Local Rule 3-12 and Civil Local Rule 7-11, Plaintiffs Jane Roe, *et al.*, moves this Court for an order finding that this case, *Jane Roe, et al. v. City and County of San Francisco* (Case No. 3:24-cv-01562-DMR) (“*Jane Roe*”), filed on March 14, 2024, is related to *College of the Law, San Francisco, et al. v. City and County of San Francisco*, Case No. 4:20-cv-03033-JST (“*UC Law SF*”).¹

The plaintiffs in *UC Law SF* brought suit against the City and County of San Francisco (the “City”) seeking injunctive relief to address open-air drug dealing and usage, sidewalk encampments and obstructions, and other harms and nuisances that were prevalent in the Tenderloin. In *Jane Roe*, Plaintiffs bring suit against the City and seek similar injunctive relief. The *Jane Roe* Plaintiffs allege that City’s *de facto* treatment of the Tenderloin as San Francisco’s “containment zone” for illegal narcotics activity and associated harms has resulted in the sidewalks and other public spaces in the neighborhood becoming dangerous, unsanitary, and inaccessible. The allege violations of the Americans with Disabilities Act, public and private nuisance, civil rights violations and other causes of action.

Civil Local Rule 3-12(b) states that “whenever a party knows or learns that an action, filed in or removed to this district is (or the party believes the action may be) related to an action which is or was pending in this District as defined in Civil L.R. 3-12(a), the party must promptly file in the lowest numbered case an Administrative Motion to Consider Whether Cases Should be Related....” Actions are related when “(1) The actions concern substantially the same parties, property, transaction, or event; and (2) it appears likely that there will be unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different

¹ This Court previously found *UC Law SF* was related to *Giosso v. City and County of San Francisco*, 4:20-cv-04255-JST, (“*Giosso*”) and *Harrison v. City and County of San Francisco*, 4:20-cv-05178-JST (“*Harrison*”).₂

Judges.” (Civil Local Rule 3-12(a).) *Jane Roe* and *UC Law SF* meet these criteria.

A. *Jane Roe* Concerns Substantially the Same Parties, Property, Transaction or Event as *UC Law SF*

Both the *Jane Roe* case and the *UC Law SF* case allege that the City contains and confines illicit drug dealing and usage, illegal open-air markets, loitering, and injurious behaviors associated with those activities to the Tenderloin. *Jane Roe* and *UC Law SF* both concern the effect these acts, omissions and policies have on the same public walkways and spaces in the Tenderloin. Further, *Jane Roe* and *UC Law SF* concern the same defendant, CCSF. These factors support treating the actions as related.

B. An Unduly Burdensome Duplication of Labor and Expense or Conflicting Would Likely Result if the Cases are Conducted Before Different Judges

Given the similar factual and legal backgrounds of the *Jane Roe* and *UC Law SF* cases, relation of the cases would conserve substantial judicial resources and reduce the possibility of conflicting results. The issues raised in the motion by the *UC Law SF* plaintiffs to enforce the stipulated injunction in their case overlap with the issues raised in the *Jane Roe* case. As this Court is already familiar with these topics, efficiency would be served by relating the cases. This would also avoid the risk of conflicting results that might result if these cases were conducted before different judges.

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1 For the foregoing reasons, Plaintiffs respectfully request that the Court find
2 that *Jane Roe* is related to *UC Law SF* and be transferred to this Court.

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4 Dated: March 14, 2024

WALKUP, MELODIA, KELLY & SCHOENBERGER
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5
6
7 By: /S/ Matthew D. Davis

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14 **CERTIFICATE OF SERVICE**

15 I, Matthew D. Davis, Esquire, hereby certify that I electronically filed the
16 following document by using the CM/ECF system on March 14, 2024.
17

18 By: /S/ Matthew D. Davis

19 MATTHEW D. DAVIS
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PROOF OF SERVICE

**Jane Roe, et al. v. City and County San Francisco
USDC – Northern California Case No. 3:24-cv-01562-DMR**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the county where the mailing took place, My business address is 650 California Street, 26th Floor, City and County of San Francisco, CA 94108-2615.

On the date set forth below, I caused to be served true copies of the following document(s) described as

**PLAINTIFFS' ADMINISTRATIVE MOTION TO CONSIDER WHETHER
CASES SHOULD BE RELATED; DECLARATION OF MATTHEW D. DAVIS;
[PROPOSED] ORDER**

to:

**Hastings, et al. v. City and County San
Francisco, Case No. 4:20-cv-3033-JST**

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6 **Harrison v. City and County San Francisco,**
7 **Case No. 4:20-cv-05178-JST**

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16 **Giosso, et al. v. City and County San Francisco,**
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5 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the
6 document(s) to be sent from e-mail address kbenzien@walkuplawoffice.com to the
7 persons at the e-mail addresses listed in the Service List. I did not receive, within a
reasonable time after the transmission, any electronic message or other indication
that the transmission was unsuccessful.

8 I declare under penalty of perjury under the laws of the United States of
9 America that the foregoing is true and correct and that I am employed in the office of
a member of the bar of this Court at whose direction the service was made.

10 Executed on March __, 2024, at San Francisco, California.

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13 Kirsten Benzien